

House File 335

HOUSE FILE _____
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 8)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to administration of regional transportation by
2 regional transit districts and of highways and regulation of
3 motor vehicles by the state department of transportation,
4 including provisions relating to qualifications of property
5 appraisers, state standards for land surveying, destruction of
6 suspended or revoked driver's licenses, requirements for a
7 temporary restricted driver's license, registration and
8 titling of vehicles, legion of merit special registration
9 plates and fees, antique motor vehicle registration plates and
10 fees, licensing of motor vehicle dealers, motor carrier
11 registration and fuel tax liability, the maximum length
12 limitation for single trucks, requirements for operation of
13 certain self-propelled implements of husbandry on secondary
14 roads, and disposition of regional transit district tax
15 revenues collected by a county treasurer, and providing
16 effective dates.
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
18 TLSB 1106HV 82
19 dea/gg/14

PAG LIN

1 1 DIVISION I
1 2 HIGHWAYS
1 3 Section 1. Section 543D.3, unnumbered paragraph 2, Code
1 4 2007, is amended to read as follows:
1 5 A person who is not a certified real estate appraiser under
1 6 this chapter may appraise real estate for compensation if
1 7 certification is not required by this chapter or by federal or
1 8 state law, rule, or policy. However, an employee of the state
1 9 department of transportation whose duties include appraisals
1 10 of property pursuant to chapter 6B must be a certified real
1 11 estate appraiser under this chapter or an associate real
1 12 estate appraiser registered by the board and acting under the
1 13 direct supervision of a certified real estate appraiser.

1 14 DIVISION II
1 15 LAND SURVEYING STANDARDS
1 16 Sec. 2. Section 355.5, subsection 4, Code 2007, is amended
1 17 to read as follows:
1 18 4. Distances shall be shown in decimal feet in accordance
1 19 with the definition of the ~~international U.S. survey~~ foot.
1 20 Distance measurements shall refer to the horizontal plane.

1 21 Sec. 3. Section 355.7, subsection 10, Code 2007, is
1 22 amended to read as follows:
1 23 10. Distance shall be shown in decimal feet in accordance
1 24 with the definition of the ~~international U.S. survey~~ foot.
1 25 Distance measurements shall refer to the horizontal plane.

1 26 Sec. 4. Section 355.8, subsection 13, Code 2007, is
1 27 amended to read as follows:

1 28 13. Distances shall be shown in feet to at least the
1 29 nearest one-tenth of a foot in accordance with the definition
1 30 of the ~~international U.S. survey~~ foot. Distance measurements
1 31 shall refer to the horizontal plane.

1 32 DIVISION III
1 33 MOTOR VEHICLES

1 34 Sec. 5. Section 321.16, Code 2007, is amended by adding
1 35 the following new unnumbered paragraph:

2 1 NEW UNNUMBERED PARAGRAPH. If a peace officer serves notice
2 2 of immediate suspension or revocation of a driver's license as
2 3 provided in this chapter or any other chapter, the peace
2 4 officer may destroy the license or send the license to the

2 5 department.

2 6 Sec. 6. Section 321.24, subsection 11, Code 2007, is
2 7 amended to read as follows:

2 8 11. If the county treasurer or department is not satisfied
2 9 as to the ownership of the vehicle or that there are no
2 10 undisclosed security interests in it, or a junking certificate
2 11 has been issued for the vehicle but a certificate of title
2 12 will not be reissued under section 321.52, subsection 3, and
2 13 the vehicle qualifies as an antique vehicle under section
2 14 321.115, subsection 1, the county treasurer or department may
2 15 register the vehicle but shall, as a condition of issuing a
2 16 certificate of title and registration receipt, require the
2 17 applicant to file with the department a bond in the form
2 18 prescribed by the department and executed by the applicant,
2 19 and either accompanied by the deposit of cash with the
2 20 department or also executed by a person authorized to conduct
2 21 a surety business in this state. The owner of a vehicle
2 22 subject to the bond requirements of this subsection shall
2 23 apply for a certificate of title and registration for the
2 24 vehicle at the county treasurer's office within thirty days of
2 25 issuance of written authorization from the department. The
2 26 bond shall be in an amount equal to one and one-half times the
2 27 current value of the vehicle as determined by the department
2 28 and conditioned to indemnify any prior owner and secured party
2 29 and any subsequent purchaser of the vehicle or person
2 30 acquiring any security interest in it, and their respective
2 31 successors in interest, against any expense, loss, or damage,
2 32 including reasonable attorney fees, by reason of the issuance
2 33 of the certificate of title of the vehicle or on account of
2 34 any defect in or undisclosed security interest upon the right,
2 35 title, and interest of the applicant in and to the vehicle.

3 1 Any such interested person has a right of action to recover on
3 2 the bond for any breach of its conditions, but the aggregate
3 3 liability of the surety to all persons shall not exceed the
3 4 amount of the bond. The bond, and any deposit accompanying
3 5 it, shall be returned at the end of three years or ~~prior~~
3 6 ~~thereto earlier~~ if the vehicle is no longer registered in this
3 7 state and the currently valid certificate of title is
3 8 surrendered to the department, unless the department has been
3 9 notified of the pendency of an action to recover on the bond.
3 10 The department may authorize issuance of a certificate of
3 11 title as provided in this subsection for a vehicle with an
3 12 unreleased security interest upon presentation of satisfactory
3 13 evidence that the security interest has been extinguished ~~and~~
3 14 ~~or that~~ the holder of the security interest cannot be located
3 15 to release the security interest as provided in section
3 16 321.50.

3 17 Sec. 7. Section 321.34, subsection 15, unnumbered
3 18 paragraph 1, Code 2007, is amended to read as follows:

3 19 The owner of a motor vehicle subject to registration under
3 20 section 321.109, subsection 1, motorcycle, trailer, or motor
3 21 truck, who has been awarded the legion of merit ~~may shall be~~
3 22 ~~issued one set of special registration plates with a legion of~~
3 23 ~~merit processed emblem~~, upon written application to the
3 24 department and presentation of satisfactory proof of the award
3 25 of the legion of merit as established by the Congress of the
3 26 United States, ~~order special registration plates with a legion~~
3 27 ~~of merit processed emblem~~. The emblem shall be designed by
3 28 the department in cooperation with the adjutant general and
3 29 shall signify that the owner was awarded the legion of merit.
3 30 The application is subject to approval by the department, in
3 31 consultation with the adjutant general. The special plates
3 32 shall be issued at no charge and are subject to an annual
3 33 registration fee of fifteen dollars. The county treasurer
3 34 shall validate the special plates in the same manner as
3 35 regular registration plates are validated under this section.

4 1 Sec. 8. Section 321.52, subsection 4, paragraph a, Code
4 2 2007, is amended to read as follows:

4 3 a. A vehicle rebuilder or a person engaged in the business
4 4 of buying, selling, or exchanging vehicles of a type required
4 5 to be registered in this state, upon acquisition of a wrecked
4 6 or salvage vehicle, shall surrender the certificate of title
4 7 or manufacturer's or importer's statement of origin properly
4 8 assigned, together with an application for a salvage
4 9 certificate of title, to the county treasurer of the county of
4 10 residence of the purchaser or transferee within thirty days
4 11 after the date of assignment of the certificate of title for
4 12 the wrecked or salvage motor vehicle. This subsection applies
4 13 only to vehicles with a fair market value of five hundred
4 14 dollars or more, based on the value before the vehicle became
4 15 wrecked or salvage. Upon payment of a fee of two dollars, the

4 16 county treasurer shall issue a salvage certificate of title
4 17 which shall bear the word "SALVAGE" stamped or printed on the
4 18 face of the title in a manner prescribed by the department. A
4 19 salvage certificate of title may be assigned to an educational
4 20 institution, a new motor vehicle dealer licensed under chapter
4 21 322, a person engaged in the business of purchasing bodies,
4 22 parts of bodies, frames or component parts of vehicles for
4 23 sale as scrap metal, a salvage pool, or an authorized vehicle
4 24 recycler licensed under chapter 321H. An authorized vehicle
4 25 recycler licensed under chapter 321H or a new motor vehicle
4 26 dealer licensed under chapter 322 may assign or reassign ~~a~~ an
4 27 Iowa salvage certificate of title or a salvage certificate of
4 28 title from another state to any person, and the provisions of
4 29 section 321.24, subsection 5, requiring issuance of an Iowa
4 30 salvage certificate of title shall not apply. A vehicle on
4 31 which ownership has transferred to an insurer of the vehicle
4 32 as a result of a settlement with the owner of the vehicle
4 33 arising out of damage to, or unrecovered theft of, the vehicle
4 34 shall be deemed to be a wrecked or salvage vehicle and the
4 35 insurer shall comply with this subsection to obtain a salvage
5 1 certificate of title within thirty days after the date of
5 2 assignment of the certificate of title of the vehicle.

5 3 Sec. 9. Section 321.112, Code 2007, is amended to read as
5 4 follows:

5 5 321.112 MINIMUM MOTOR VEHICLE FEE.

5 6 No motor vehicle, except as provided in ~~sections 321.115~~
5 7 ~~and section 321.117,~~ shall be registered for a registration
5 8 year for less than ten dollars.

5 9 Sec. 10. Section 321.115, Code 2007, is amended by
5 10 striking the section and inserting in lieu thereof the
5 11 following:

5 12 321.115 ANTIQUE VEHICLES == MODEL YEAR PLATES PERMITTED.

5 13 1. A motor vehicle twenty-five years old or older may be
5 14 registered as an antique vehicle upon payment of the fee
5 15 provided for in section 321.113, 321.122, or 321.124. The
5 16 owner of a motor vehicle registered under this subsection may
5 17 display authentic Iowa registration plates from the model year
5 18 of the motor vehicle, furnished by the person and approved by
5 19 the department, in lieu of the current and valid Iowa
5 20 registration plates issued for the vehicle, provided that the
5 21 current and valid Iowa registration plates and the
5 22 registration card issued for the vehicle are simultaneously
5 23 carried within the vehicle and are available for inspection to
5 24 any peace officer upon the officer's request.

5 25 2. The sale of a motor vehicle twenty years old or older
5 26 which is primarily of value as a collector's item and not as
5 27 transportation is not subject to chapter 322, and any person
5 28 may sell such a vehicle at retail without a license as
5 29 required under chapter 322.

5 30 3. Truck tractors and semitrailers used in combination for
5 31 exhibition and educational purposes may be registered and
5 32 driven according to the provisions of subsection 1. Truck
5 33 tractors and semitrailers registered under this section shall
5 34 not be used to haul loads.

5 35 4. A person convicted of a violation of this section is
6 1 guilty of a simple misdemeanor punishable as a scheduled
6 2 violation under section 805.8A, subsection 2, paragraph "b".

6 3 Sec. 11. Section 321.134, subsection 2, Code 2007, is
6 4 amended to read as follows:

6 5 2. The annual registration fee for trucks, truck tractors,
6 6 and road tractors, as provided in sections 321.121 and
6 7 321.122, may be payable in two equal semiannual installments
6 8 if the annual registration fee exceeds the registration fee
6 9 for a vehicle with a gross weight exceeding five tons. The
6 10 penalties provided in subsection 1 shall be computed on the
6 11 amount of the first installment only and on the first day of
6 12 the seventh month of the registration period the same rate of
6 13 penalty shall apply to the second installment, until the fee
6 14 is paid. Semiannual installments do not apply to commercial
6 15 vehicles, as defined under section 326.2, subject to
6 16 proportional registration, with a base state other than the
6 17 state of Iowa, as defined in section 326.2, subsection 1. The
6 18 penalty on vehicles registered under chapter 326 accrues
6 19 August 1 of each year except as provided in section 326.6.

6 20 The department shall not allow the registration fee for a
6 21 commercial vehicle registered under chapter 326 to be paid in
6 22 two equal semiannual installments for five years after the
6 23 registrant has paid the registration fee late for two
6 24 consecutive years.

6 25 Sec. 12. Section 321.206, Code 2007, is amended to read as
6 26 follows:

6 27 321.206 SURRENDER OF LICENSE == DUTY OF COURT.

6 28 If a person is convicted in court of an offense for which
6 29 this chapter requires mandatory revocation of the person's
6 30 driver's license or, if the person's license is a commercial
6 31 driver's license and the conviction disqualifies the person
6 32 from operating a commercial motor vehicle, the court shall
6 33 require the person to surrender the driver's license held by
6 34 the person and the court shall destroy the license or forward
6 35 the license together with a record of the conviction to the
7 1 department as provided in section 321.491.

7 2 Sec. 13. Section 321.457, subsection 2, paragraph a,
7 3 unnumbered paragraphs 1 and 2, Code 2007, are amended to read
7 4 as follows:

7 5 A single truck, unladen or with load, shall not have an
7 6 overall length, inclusive of front and rear bumpers, in excess
7 7 of ~~forty~~ forty-one feet. When determining the overall length
7 8 of a single truck, the following shall be excluded:

~~7 9 When determining the overall length of a single truck, the~~
~~7 10 following shall be excluded:~~

7 11 Sec. 14. Section 321.463, subsection 3, Code 2007, is
7 12 amended to read as follows:

7 13 3. Notwithstanding other provisions of this chapter to the
7 14 contrary, indivisible loads operating under the permit
7 15 requirements of ~~sections~~ section 321E.7, subsections 1, 2, and
7 16 3, section 321E.8, subsection 1 or 2, and sections 321E.9, and
7 17 321E.29A shall be allowed a maximum of twenty thousand pounds
7 18 per axle.

7 19 Sec. 15. Section 321.463, subsection 4, paragraph a,
7 20 unnumbered paragraph 1, Code 2007, is amended to read as
7 21 follows:

7 22 Self-propelled implements of husbandry used exclusively for
7 23 the application of organic or inorganic plant food materials,
7 24 agricultural limestone, or agricultural chemicals, unless
7 25 traveling under a permit issued pursuant to section 321E.8,
7 26 subsection 3, shall be operated in compliance with this
7 27 section.

7 28 Sec. 16. Section 321E.2, unnumbered paragraph 1, Code
7 29 2007, is amended to read as follows:

7 30 Annual, multi-trip, and single-trip permits shall be issued
7 31 by the authority responsible for the maintenance of the system
7 32 of highways or streets. However, the department may issue
7 33 permits on primary road extensions in cities in conjunction
7 34 with movements on the rural primary road system. The
7 35 department may issue an all-system permit under section 321E.8
8 1 which is valid for movements on all highways or streets under
8 2 the jurisdiction of either the state or those local
8 3 authorities which have indicated in writing to the department
8 4 those streets or highways for which an all-system permit is
8 5 not valid. The department may issue permits pursuant to
8 6 section 321E.8, subsection 3, valid only for operation on
8 7 noninterstate highways in counties stipulated in the permit.

8 8 Sec. 17. Section 321E.7, Code 2007, is amended by adding
8 9 the following new subsection:

8 10 NEW SUBSECTION. 4. Notwithstanding subsections 1 and 2, a
8 11 self-propelled implement of husbandry traveling under a permit
8 12 issued pursuant to section 321E.8, subsection 3, may exceed
8 13 the maximum axle loads prescribed under section 321.463 when
8 14 operated unladen on a noninterstate highway in a county
8 15 covered under the permit, provided the weight on any one axle
8 16 does not exceed twenty-five thousand pounds, and provided the
8 17 current and valid permit is carried in the vehicle. For
8 18 purposes of this subsection, "noninterstate highway" does not
8 19 include a bridge.

8 20 Sec. 18. Section 321E.8, Code 2007, is amended by adding
8 21 the following new subsection:

8 22 NEW SUBSECTION. 3. a. A self-propelled implement of
8 23 husbandry equipped with flotation tires that is designed to be
8 24 loaded and operated in the field and used exclusively for the
8 25 application of organic or inorganic plant food materials,
8 26 agricultural limestone, or agricultural chemicals, and that
8 27 exceeds the axle weight limits under section 321.463 when
8 28 unloaded, may be operated unladen at a speed of not more than
8 29 thirty-five miles per hour on noninterstate highways,
8 30 excluding bridges, in a county pursuant to a permit issued by
8 31 the department for travel within the county. Prior to issuing
8 32 a permit, the department shall collect a fee of six hundred
8 33 dollars for each county in which the vehicle will be operated
8 34 during the period of the permit beginning July 1 and ending
8 35 June 30, provided that the total amount of fees collected for
9 1 a vehicle for the period of the permit shall not exceed three
9 2 thousand five hundred dollars. Moneys collected by the

9 3 department on behalf of the counties in which the vehicle will
9 4 be operated shall be allotted equally to those counties and
9 5 deposited in the secondary road funds of those counties. A
9 6 vehicle for which a permit is issued under this subsection
9 7 shall be assigned a permit number that shall be displayed on
9 8 the door of the vehicle in numbers that contrast sharply in
9 9 color with the background on which the number is placed, be
9 10 readily legible during daylight hours from a distance of fifty
9 11 feet when the vehicle is stationary, and be maintained in a
9 12 manner that retains the legibility. Only vehicles purchased
9 13 or ordered prior to March 1, 2007, are eligible for a permit.
9 14 New permits shall not be issued on or after July 1, 2007;
9 15 however, a permit issued for a vehicle under this subsection
9 16 prior to July 1, 2007, may be renewed for that vehicle
9 17 annually upon payment of the appropriate county fees.

9 18 b. The owner of a vehicle described in paragraph "a" that
9 19 is operated without a permit in violation of this subsection
9 20 is subject to a civil penalty of ten thousand dollars, in
9 21 addition to any other penalties that may apply.

9 22 Sec. 19. Section 321J.4, subsection 9, paragraph d, Code
9 23 2007, is amended to read as follows:

9 24 d. The court shall determine if the temporary restricted
9 25 license is necessary for the person to maintain the person's
9 26 present employment. However, a temporary restricted license
9 27 shall not be ordered or issued for a violation of section
9 28 321J.2A or to a person under the age of twenty-one whose
9 29 license is revoked under this section or section 321J.9 or
9 30 321J.12. If the court determines that the temporary
9 31 restricted license is necessary for the person to maintain the
9 32 person's present employment, and that the minimum period of
9 33 ineligibility for receipt of a temporary license has expired,
9 34 the court shall order the department to issue to the person a
9 35 temporary restricted license conditioned upon the person's
10 1 certification to the court of the installation of approved
10 2 ignition interlock devices in all motor vehicles that it is
10 3 necessary for the person to operate to maintain the person's
10 4 present employment. A person whose driver's license or
10 5 nonresident operating privilege has been revoked under section
10 6 321J.21 may apply to the department for a temporary restricted
10 7 license without the requirement of an ignition interlock
10 8 device if at least twelve years have elapsed since the end of
10 9 the underlying revocation period for a violation of section
10 10 321J.2.

10 11 Sec. 20. Section 322.4, Code 2007, is amended to read as
10 12 follows:

10 13 322.4 APPLICATION FOR LICENSE.

10 14 1. Each person before engaging in this state in the
10 15 business of selling at retail motor vehicles or representing
10 16 or advertising that the person is engaged or intends to engage
10 17 in such business in this state shall file in the office of the
10 18 department an application for license as a motor vehicle
10 19 dealer in the state in such form as the department may
10 20 prescribe, duly verified by oath, which application shall
10 21 include the following:

10 22 ~~1-~~ a. The name of the applicant and the applicant's
10 23 principal place of business wherever situated, ~~and the~~
10 24 ~~following, as appropriate:~~

10 25 ~~a-~~ (1) If the applicant is an ~~individual -- the~~
10 26 ~~individual~~, the name or style under which the individual
10 27 intends to engage in such business.

10 28 ~~b-~~ (2) If the applicant is a ~~copartnership -- the~~
10 29 ~~copartnership~~, the name or style under which ~~such the~~
10 30 copartnership intends to engage in such business and the name
10 31 and ~~post-office bona fide~~ address of ~~each partner two~~
10 32 ~~partners.~~

10 33 ~~c-~~ (3) If the applicant is a ~~corporation -- the~~
10 34 ~~corporation~~, the state of incorporation and the name and
10 35 ~~post-office bona fide~~ address of ~~each officer and director~~
11 1 ~~thereof two officers of the corporation.~~

11 2 ~~2-~~ b. The make or makes of new motor vehicles, if any,
11 3 which the applicant will offer for sale ~~to at~~ retail in this
11 4 state.

11 5 ~~3-~~ c. The location of each place of business within this
11 6 state to be used by the applicant for the conduct of the
11 7 applicant's business.

11 8 ~~4-~~ d. If the applicant is a party to any contract or
11 9 agreement or understanding with any manufacturer or
11 10 distributor of motor vehicles or is about to become a party to
11 11 such a contract, agreement, or understanding, the applicant
11 12 shall state the name of each such manufacturer ~~and or~~
11 13 distributor and the make or makes of new motor vehicles, if

11 14 any, which are the subject matter of each such contract.
11 15 ~~5- e.~~ A statement of the previous history, record, and
11 16 association of the applicant and if the applicant is a
11 17 copartnership, of each partner thereof, and if the applicant
11 18 is a corporation, of each officer and director thereof, which
11 19 statement shall be sufficient to establish to the department
11 20 the reputation in business of the applicant.

11 21 ~~6- f.~~ A description of the general plan and method of
11 22 doing business in this state, which the applicant will follow
11 23 if the license applied for in such application is granted.

11 24 ~~7- g.~~ Before the issuance of a motor vehicle dealer's
11 25 license to a dealer engaged in the sale of vehicles for which
11 26 a certificate of title is required under chapter 321, the
11 27 applicant shall furnish a surety bond executed by the
11 28 applicant as principal and executed by a corporate surety
11 29 company, licensed and qualified to do business within this
11 30 state, which bond shall run to the state of Iowa, be in the
11 31 amount of fifty thousand dollars and be conditioned upon the
11 32 faithful compliance by the applicant as a dealer with all of
11 33 the statutes of this state regulating or applicable to the
11 34 business of a dealer in motor vehicles, and indemnifying any
11 35 person who buys a motor vehicle from the dealer from any loss
12 1 or damage occasioned by the failure of the dealer to comply
12 2 with any of the provisions of chapter 321 and this chapter,
12 3 including, but not limited to, the furnishing of a proper and
12 4 valid certificate of title to the motor vehicle involved in a
12 5 transaction. The bond shall also indemnify any motor vehicle
12 6 purchaser from any loss or damage caused by the failure of the
12 7 dealer to comply with the odometer requirements in section
12 8 321.71, regardless of whether the motor vehicle was purchased
12 9 directly from the dealer. The bond shall be filed with the
12 10 department prior to the issuance of a license. The aggregate
12 11 liability of the surety, however, shall not exceed the amount
12 12 of the bond.

12 13 ~~8- h.~~ Proof that the applicant has financial liability
12 14 coverage as defined in section 321.1, except that such
12 15 coverage shall be in limits of not less than one hundred
12 16 thousand dollars because of bodily injury to or death of one
12 17 person in any one accident and, subject to the limit for one
12 18 person, three hundred thousand dollars because of bodily
12 19 injury to or death of two or more persons in any one accident,
12 20 and fifty thousand dollars because of injury to or destruction
12 21 of property of others in any one accident.

12 22 ~~9- i.~~ Such other information touching the business of the
12 23 applicant as the department may require.

12 24 2. For the purpose of investigating the matters contained
12 25 in such application, the department may withhold the granting
12 26 of a license for a period not exceeding thirty days.

12 27 3. For purposes of this section, "bona fide address" means
12 28 the same as defined in section 321.1.

12 29 Sec. 21. Section 322.7, subsection 1, Code 2007, is
12 30 amended to read as follows:

12 31 1. If the department grants the application of any person
12 32 for a license as a motor vehicle dealer, it shall evidence the
12 33 granting thereof by a final order and shall issue to the
12 34 person a license in such form as may be prescribed by the
12 35 department, which license shall include the following:

13 1 ~~a. The name of the person licensed.~~

13 2 ~~b. a.~~ If the applicant is an individual or a
13 3 copartnership -- the copartnership, the name or style under
13 4 which the licensee will engage in such business and if a
13 5 copartnership, the name and address of each partner.

13 6 ~~c. b.~~ The principal place of business of the licensee and
13 7 location therein of each place wherein the licensee is
13 8 licensed to carry on such business.

13 9 ~~d. c.~~ The make or makes of new motor vehicles which the
13 10 licensee is licensed to sell.

13 11 Sec. 22. Section 326.10A, Code 2007, is amended to read as
13 12 follows:

13 13 326.10A PAYMENT BY CHECK.

13 14 The department shall accept payment of fees under this
13 15 chapter by personal or corporate check. The fee shall be
13 16 deemed to have been paid upon receipt of the check. If the
13 17 check is not honored, all fees and penalties shall accumulate
13 18 as if the fee was not paid. After appropriate warning from
13 19 the department, the registration account shall be suspended,
13 20 collection pursued, and the delinquent registration fees shall
13 21 become a debt due the state of Iowa. After a dishonored check
13 22 has been received from an applicant, payments submitted by the
13 23 applicant during the following year must be made with
13 24 guaranteed funds. However, the department may instead accept

13 25 payment in the form of a corporate check made on behalf of the
13 26 applicant from an approved company with a satisfactory payment
13 27 history.

13 28 Sec. 23. Section 326.16, Code 2007, is amended by adding
13 29 the following new subsection:
13 30 NEW SUBSECTION. 3. Failure to receive a renewal notice or
13 31 an invoice by mail, facsimile transmission, or any other means
13 32 of delivery does not relieve the registrant of the financial
13 33 responsibility for the renewal fees, invoiced amount, or
13 34 accrued penalties.

13 35 Sec. 24. NEW SECTION. 326.24 REGISTRATION DENIED OR
14 1 SUSPENDED.

14 2 If the international fuel tax agreement license issued to
14 3 an applicant or registrant under chapter 452A is suspended or
14 4 revoked or if the director refuses to issue an international
14 5 fuel tax agreement license because of unpaid debt, the
14 6 director may deny or suspend the applicant's or registrant's
14 7 registration under this chapter.

14 8 Sec. 25. Section 327B.1, Code 2007, is amended to read as
14 9 follows:

14 10 327B.1 AUTHORITY SECURED AND REGISTERED.

14 11 1. a. It is unlawful for a carrier to perform an
14 12 interstate transportation service for compensation upon the
14 13 highways of this state without first registering the authority
14 14 obtained from the United States department of transportation
14 15 or evidence that such authority is not required with the state
14 16 department of transportation.

14 17 ~~2. b.~~ The department shall participate in the single
14 18 state insurance registration program for regulated motor
14 19 carriers as provided in 49 U.S.C. } 14504 and United States
14 20 department of transportation regulations.

14 21 ~~3. c.~~ Registration for carriers transporting commodities
14 22 exempt from United States department of transportation
14 23 regulation shall be granted without hearing upon application
14 24 and payment of a twenty-five-dollar filing fee and an annual
14 25 one-dollar fee per vehicle.

14 26 ~~4. d.~~ The state department of transportation may execute
14 27 reciprocity agreements with authorized representatives of any
14 28 state exempting nonresidents from payment of fees as set forth
14 29 in this chapter. The state department of transportation shall
14 30 adopt rules pursuant to chapter 17A for the identification of
14 31 vehicles operated under reciprocity agreements.

14 32 ~~5. e.~~ Fees may be subject to reduction or proration
14 33 pursuant to sections 326.5 and 326.32.

14 34 ~~2. a.~~ On and after the date on which the secretary of the
14 35 United States department of transportation establishes the

15 1 unified carrier registration system in accordance with Title
15 2 49, United States Code, as amended by Pub. L. No. 109=59, a
15 3 foreign or domestic motor carrier, motor private carrier,
15 4 leasing company, broker, or freight forwarder shall not
15 5 operate any motor vehicle on the highways of this state
15 6 without first registering the motor vehicle under the unified
15 7 carrier registration system and paying all required fees.

15 8 b. The state department of transportation shall continue
15 9 to require each interstate for-hire motor carrier to make an
15 10 annual payment of one dollar per owned and operated vehicle
15 11 for filings made with the state department of transportation
15 12 under the single state registration system until the
15 13 occurrence of the transition termination date in accordance
15 14 with 49 U.S.C. } 13902(f), as amended by Pub. L. No. 109=59.

15 15 c. The state department of transportation may participate
15 16 in the unified carrier registration plan and agreement
15 17 established in accordance with 49 U.S.C. } 14504a, as amended
15 18 by Pub. L. No. 109=59, and to file on behalf of the state the
15 19 plan required by the provisions of 49 U.S.C. } 14504a(e).

~~6. 3.~~ A motor carrier shall keep proper evidence of
15 21 interstate authority in the motor vehicle being operated by
15 22 the motor carrier and the motor carrier owner or driver shall
15 23 make such evidence available to a peace officer upon request.

~~7. 4.~~ A motor carrier owner or driver charged with
15 25 failure to have proper evidence of interstate authority shall
15 26 not be convicted of such violation and the citation shall be
15 27 dismissed by the court if the person produces to the clerk of
15 28 court prior to the date of such person's court appearance as
15 29 indicated on the citation, proof of interstate authority
15 30 issued to that person and valid at the time the person was
15 31 charged with the violation under this section. Upon
15 32 dismissal, the court or clerk of court shall assess the costs
15 33 of the action against the defendant named on the citation.

15 34 Sec. 26. Section 327B.6, Code 2007, is amended by adding
15 35 the following new unnumbered paragraph:

16 1 NEW UNNUMBERED PARAGRAPH. This section is repealed on the
16 2 transition termination date referred to in section 327B.1,
16 3 subsection 2, paragraph "b".

16 4 Sec. 27. Section 452A.54, unnumbered paragraph 4, Code
16 5 2007, is amended to read as follows:

16 6 To determine the amount of fuel taxes due under this
16 7 division and to prevent the evasion thereof, the state
16 8 department of transportation shall require a quarterly report
16 9 on forms prescribed by the state department of transportation.
16 10 It shall be filed not later than the last day of the month
16 11 following the quarter reported, and each quarter thereafter.
16 12 These reports shall be required of all persons who have been
16 13 issued a permit or license under this division and shall cover
16 14 actual operation and fuel consumption in Iowa on the basis of
16 15 the permit or license holder's average consumption of fuel in
16 16 Iowa, determined by the total miles traveled and the total
16 17 fuel purchased and consumed for highway use by the permittee's
16 18 or licensee's commercial motor vehicles in the permittee's or
16 19 licensee's entire operation in all states to establish an
16 20 overall miles per gallon ratio, which ratio shall be used to
16 21 compute the gallons used for the miles traveled in Iowa.

16 22 Failure to receive a quarterly report or fuel credentials by
16 23 mail, facsimile transmission, or any other means of delivery
16 24 does not relieve a person from the person's fuel tax liability
16 25 or from the requirement to display current fuel credentials.

16 26 Sec. 28. Section 452A.68, unnumbered paragraph 2, Code
16 27 2007, is amended to read as follows:

16 28 If a licensee abuses the privileges for which the license
16 29 was issued, fails to produce records reasonably requested, ~~or~~
16 30 fails to extend reasonable ~~co-operation~~ cooperation to the
16 31 appropriate state agency, or has been suspended for nonpayment
16 32 of fees under chapter 326 and still owes fees to the

16 33 department, the licensee shall be advised in writing of a
16 34 hearing scheduled to determine if the license shall be
16 35 canceled. The appropriate state agency upon the presentation
17 1 of a preponderance of evidence may cancel a license for cause.

17 2 Sec. 29. SINGLE STATE REGISTRATION SYSTEM TERMINATION DATE
17 3 == NOTICE TO CODE EDITOR. The state department of
17 4 transportation shall notify the Code editor of the date
17 5 determined by the secretary of the United States department of
17 6 transportation to be the transition termination date which is
17 7 established as the effective date of the repeal of section
17 8 327B.6, as amended in this Act.

17 9 Sec. 30. 2006 Iowa Acts, chapter 1070, section 5, is
17 10 repealed.

17 11 Sec. 31. Sections 327B.4 and 327B.7, Code 2007, are
17 12 repealed.

17 13 Sec. 32. EFFECTIVE DATES.

17 14 1. The section of this Act amending section 321.457, being
17 15 deemed of immediate importance, takes effect upon enactment.

17 16 2. The sections of this Act amending sections 327B.1 and
17 17 327B.6, and repealing sections 327B.4 and 327B.7, being deemed
17 18 of immediate importance, take effect upon enactment.

17 19 3. The section of this Act repealing 2006 Iowa Acts,
17 20 chapter 1070, section 5, being deemed of immediate importance,
17 21 takes effect upon enactment.

17 22 4. The sections of this Act amending sections 321.112 and
17 23 321.115 take effect July 1, 2008.

17 24 5. The sections of this Act amending section 321.463,
17 25 subsections 3 and 4, sections 321E.2, 321E.7, and 321E.8,
17 26 being deemed of immediate importance, take effect upon
17 27 enactment.

17 28 DIVISION IV

17 29 REGIONAL TRANSIT DISTRICTS

17 30 Sec. 33. Section 28M.4, subsection 6, Code 2007, is
17 31 amended to read as follows:

17 32 6. ~~All moneys received by the commission Tax revenues~~
17 33 ~~collected from a regional transit district levy shall be held~~
17 34 ~~by the county treasurer in a separate fund. If more than one~~
17 35 ~~county is participating in the regional transit district, the~~
18 1 ~~moneys shall be paid to the county treasurer of the~~
18 2 ~~participating county with the largest population. Moneys may~~
18 3 ~~be paid out of the fund only at the direction of the~~
18 4 ~~commission. Before the fifteenth day of each month, the~~
18 5 ~~county treasurer shall send the amount collected for each fund~~
18 6 ~~through the last day of the preceding month for direct deposit~~
18 7 ~~into the depository and account designated by the commission.~~
18 8 ~~The county treasurer shall send a notice to the secretary of~~
18 9 ~~the commission or the secretary's designee stating the amount~~
18 10 ~~deposited, the date, the amount to be credited to each fund~~
18 11 ~~according to the budget, and the source of the revenue.~~

EXPLANATION

18 12 This bill contains provisions relating to the
18 13 administration of highways and the regulation of motor
18 14 vehicles by the state department of transportation.
18 15 Division I == Highways == Under current law, when the
18 16 department moves to acquire property under eminent domain, an
18 17 employee of the department who conducts an appraisal of the
18 18 property must be a certified real estate appraiser. The bill
18 19 amends Code section 543D.3 to allow such appraisals to be done
18 20 by an employee who is a registered associate real estate
18 21 appraiser acting under the direct supervision of a certified
18 22 real estate appraiser.
18 23 Division II == Land Surveying Standards == Code sections
18 24 355.5, 355.7, and 355.8 are amended to reflect that the U.S.
18 25 survey foot, rather than the international foot, is the land
18 26 surveying standard for distance measurements.
18 27 Division III == Motor Vehicles == Code section 321.16 is
18 28 amended to allow a peace officer serving notice of suspension
18 29 or revocation of a driver's license to destroy the license or
18 30 send it to the department. Code section 321.206 is amended to
18 31 permit a court to destroy a surrendered driver's license
18 32 rather than forward it to the department.
18 33 Code section 321.24 is amended to allow a county treasurer
18 34 to issue a certificate of title for a vehicle with an
19 1 unreleased security interest upon presentation of satisfactory
19 2 evidence that the security interest has been extinguished or
19 3 that the holder of the security interest cannot be located to
19 4 release the security interest. Current law requires evidence
19 5 of both the extinguishment of the security interest and that
19 6 the holder cannot be located.
19 7 Code section 321.34 is amended to specify that the owner of
19 8 a motor vehicle who has been awarded the legion of merit is
19 9 entitled to only one set of special legion of merit
19 10 registration plates. This is consistent with provisions for
19 11 congressional medal of honor plates and ex-prisoner of war
19 12 plates which, like the legion of merit plates, are issued at
19 13 no charge and entitle the owner to an annual motor vehicle
19 14 registration fee of \$15.
19 15 Code section 321.52 is amended to allow a licensed vehicle
19 16 recycler or a new motor vehicle dealer to assign or reassign a
19 17 salvage certificate of title from another state without the
19 18 issuance of an Iowa salvage certificate of title.
19 19 Code section 321.115 is amended to revise the registration
19 20 requirements for antique motor vehicles. Under current law,
19 21 the owner of a motor vehicle 25 years old or older who
19 22 operates the vehicle only for exhibition or educational
19 23 purposes may register the vehicle for an annual fee of \$5.
19 24 The bill eliminates the \$5 fee along with the restricted use
19 25 provisions and requires all such antique vehicles to be
19 26 registered under the annual fee schedules provided for older
19 27 vehicles. The owner of an antique motor vehicle may furnish
19 28 and display authentic Iowa registration plates from the model
19 29 year of the motor vehicle, approved by the department, so long
19 30 as the current and valid Iowa plates and registration card are
19 31 carried within the vehicle. The bill provides for
19 32 registration of truck tractors and semitrailers as antique
19 33 vehicles, and prohibits the use of such vehicles to haul
19 34 loads. The bill makes a conforming amendment to Code section
19 35 321.112. The amendments to requirements for antique motor
20 1 vehicles take effect July 1, 2008.
20 2 The bill amends a provision in Code section 321.134 that
20 3 allows the owners of trucks, truck tractors, and road tractors
20 4 registered for a gross weight exceeding five tons to pay
20 5 annual registration fees in two semiannual installments. The
20 6 bill requires that if a registrant has paid the registration
20 7 fee late for two consecutive years, annual payment is required
20 8 for the next five years.
20 9 Code section 321.457 is amended to increase the maximum
20 10 overall length allowed for a single truck, unladen or with
20 11 load, from 40 feet to 41 feet, including the front and rear
20 12 bumpers. The change is effective upon enactment of the bill.
20 13 The bill amends Code sections 321.463, 321E.2, 321E.7, and
20 14 321E.8 to allow certain self-propelled implements of husbandry
20 15 that are used for the application of fertilizers, and that
20 16 exceed axle weight limits when unloaded, to be operated
20 17 unladen at speeds of up to 35 miles per hour on noninterstate
20 18 highways, excluding bridges, pursuant to a permit issued by
20 19 the department of transportation. The permit allows a maximum
20 20 single axle weight of 25,000 pounds. The owner of the vehicle
20 21 shall pay a fee of \$600 for each county in which the vehicle
20 22 will be operated, up to a maximum of \$3,500 for the 12-month

20 23 period. The permit fees for the vehicle shall be equally
20 24 divided among the specified counties and deposited in the
20 25 secondary road funds of those counties. Permits shall be
20 26 issued annually for periods beginning July 1 and ending June
20 27 30. Only vehicles purchased or ordered before March 1, 2007,
20 28 are eligible for permits, which must be obtained prior to July
20 29 1, 2007. After that date, no new permits shall be issued;
20 30 however, existing permits may be renewed annually upon payment
20 31 of the appropriate county fees. Vehicles traveling under a
20 32 permit are required to have the permit number displayed on the
20 33 door of the vehicle and the permit carried in the vehicle.
20 34 The owner of a vehicle that is operated without a permit is
20 35 subject to a civil penalty of \$10,000 in addition to other
21 1 penalties that may apply. These provisions are effective upon
21 2 enactment of the bill.

21 3 The bill amends Code section 321J.4 to allow a person whose
21 4 driver's license has been suspended or revoked for an offense
21 5 of driving a motor vehicle while under suspension or
21 6 revocation for operating while intoxicated to apply for a
21 7 temporary restricted license without the requirement of an
21 8 ignition interlock device, provided that 12 years have elapsed
21 9 since the conclusion of the original period of suspension or
21 10 revocation for the underlying offense of operating while
21 11 intoxicated.

21 12 The bill amends Code sections 322.4 and 322.7 to modify the
21 13 application requirements for a motor vehicle dealer license.
21 14 Under current law, the application must contain the post
21 15 office address of every partner if the business is a
21 16 copartnership, or of each officer and director if the business
21 17 is a corporation. The bill requires the bona fide address,
21 18 rather than the post office address, of only two partners or
21 19 two officers, as applicable. The bill omits the requirement
21 20 that a license include the names and addresses of all
21 21 partners.

21 22 Code section 326.10A is amended to permit the department to
21 23 accept a corporate check from an approved company with a
21 24 satisfactory payment history as payment of proportional
21 25 registration fees for a commercial vehicle fleet following
21 26 receipt of a dishonored check from the applicant. Currently,
21 27 the only acceptable form of payment is with guaranteed funds.

21 28 Code section 326.16 is amended to specify that failure to
21 29 receive a renewal notice or invoice by mail, facsimile
21 30 transmission, or other means of delivery does not relieve a
21 31 person from responsibility for payment of proportional
21 32 registration fees, invoiced amounts, or penalties. A similar
21 33 amendment to Code section 452A.54 specifies that failure to
21 34 receive a quarterly report or fuel credentials by mail,
21 35 facsimile transmission, or other means of delivery does not
22 1 relieve a person from fuel tax liability for a commercial
22 2 vehicle or the requirement to display fuel credentials.

22 3 New Code section 326.24 and the amendment to Code section
22 4 452A.68 allow the department to impose sanctions on a carrier
22 5 under both the international registration plan and
22 6 international fuel tax agreement licensing provisions for
22 7 unpaid debt under either program.

22 8 The bill amends Code section 327B.1 to authorize the
22 9 department to participate in the unified carrier registration
22 10 system established under federal law. Coordinating amendments
22 11 repeal Code section 327B.4, which exempts private carriers
22 12 from the current single state registration system, and Code
22 13 section 327B.7, which provides for reciprocity agreements with
22 14 other member states of an exempt commodity base state
22 15 registration system. The bill also provides for immediate
22 16 repeal of Code section 327B.6, relating to insurance and
22 17 bonding requirements for exempt carriers under the single
22 18 state registration system, upon the date established by the
22 19 secretary of the United States department of transportation as
22 20 the transition termination date for that registration system.

22 21 The bill repeals an amendment to Code section 321.25 passed
22 22 in the 2006 legislative session that would have changed, from
22 23 45 days to 60 days, the amount of time a vehicle could be
22 24 operated on the highways bearing a "registration applied for"
22 25 card. That 2006 amendment is scheduled to take effect July 1,
22 26 2007.

22 27 Division IV == Regional Transit Districts == Code section
22 28 28M.4 is amended to provide that tax revenues collected by a
22 29 county treasurer from a regional transit district levy are
22 30 held by the county treasurer. Before the 15th day of each
22 31 month, revenues collected from the previous month shall be
22 32 sent for direct deposit into the account designated by the
22 33 regional transit commission, with notice sent to the secretary

22 34 of the commission.
22 35 LSB 1106HV 82
23 1 dea:rj/gg/14